

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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| COLVIN MCCRIGHT, |) | No. C 05-03266 JW (PR) |
| Petitioner, |) | ORDER OF DISMISSAL |
| vs. |) | |
| JOE MCGRATH, Warden, |) | |
| Respondent. |) | (Docket Nos. 7, 9, 10 & 11) |

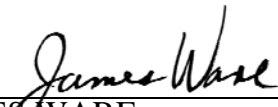
Petitioner, an inmate at Pelican Bay State Prison, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that the Board of Prison Terms has failed to fix a term for his indeterminate sentence of seven years to life in state prison for a first degree murder conviction in 1972. Petitioner has filed six previous petitions for a writ of habeas corpus with this Court, at least three of which have raised the same issue he raises in this petition. (See C 01-20482, C 98-20557, C 98-20062, C 93-00245, C 92-03759, C 91-00315).

This is a second or successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. A second or successive petition may not be filed in this Court

1 unless petitioner first obtains from the United States Court of Appeals for the Ninth
2 Circuit an order authorizing this Court to consider the petition. 28 U.S.C. §
3 2244(b)(3)(A). Petitioner has not sought or obtained such an order from the Ninth
4 Circuit. Accordingly, the petition is DISMISSED without prejudice to refile if
5 petitioner obtains the necessary order.

6 The clerk shall terminate all pending motions as moot, including respondent's
7 motion to dismiss (Docket No. 7), petitioner's motions for an order to show cause
8 (Docket No. 9), for sanctions (Docket No. 10), and for appointment of counsel
9 (Docket No. 11).

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11 DATED: August 1, 2007


12 JAMES WARE
13 United States District Judge
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